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US DISTRICT COURT E.D.N.Y.

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

★ JAN 11 2012 ★

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Gavriel Jerusalem,

-----X  
BROOKLYN OFFICE

Plaintiff,

Civil Action No.:

- against -

CV 12-0146

United Recovery Systems, LP,

COMPLAINT AND  
DEMAND FOR  
TRIAL BY JURY

Defendant.

-----X  
FEUERSTEIN

Plaintiff Gavriel Jerusalem ("Plaintiff" or "Jerusalem"), by and through his attorneys, FREDRICK SCHULMAN & ASSOCIATES, Attorneys at Law, as and for his Complaint against the Defendant United Recovery Systems, LP ("Defendant" or "URS"), respectfully sets forth, complains and alleges, upon information and belief, the following:

**INTRODUCTION/PRELIMINARY STATEMENT**

1. Plaintiff brings this action for damages and declaratory and injunctive relief arising from the Defendant's violation(s) of Sec. 1692 et. seq. of Title 15 of the United States Code, commonly referred to as the Fair Debt Collection Practices Act ("FDCPA").

**PARTIES**

2. Plaintiff is a resident of the State of New York, County of Kings, residing at 2266 Bath Avenue # 204, Brooklyn, New York 11214.

3. Defendant is a limited partnership organized in the state of Texas, operating as a debt collection firm, with a mailing address at P.O. Box 722910, Houston, Texas 77272, and a

principal place of business at 5800 North Course Drive, Houston, Texas 77072, and is authorized to do business in the State of New York.

4. The Defendant is a “debt collector” as the phrase is defined and used in the FDCPA.

### **JURISDICTION AND VENUE**

5. The Court has jurisdiction over this matter pursuant to 28 USC Sec. 1331, as well as 15 USC Sec. 1692 et. seq. and 28 USC Sec. 2201. If applicable, the Court also has pendent jurisdiction over any State law claims in this action pursuant to 28 USC Sec. 1367(a).

6. Venue is proper in this judicial district pursuant to 28 USC Sec. 1391(b)(2).

### **FACTUAL ALLEGATIONS**

7. Plaintiff repeats, reiterates and incorporates the allegations contained in paragraphs numbered “1” through “6” herein with the same force and effect as if the same were set forth at length herein.

8. Upon information and belief, on a date better known to the Defendant, the Defendant began collection activities on an alleged consumer debt from the Plaintiff (“Alleged Debt”).

9. On or about December 13, 2010, the Defendant sent a letter to the Plaintiff in which the balance due was stated as \$10,051.19, “as of December 13, 2010.”

10. On or about January 25, 2011, the Defendant sent another letter to the Plaintiff in which the balance due was stated as \$10,584.93, “as of January 25, 2011.”

11. Upon information and belief, the balance stated in the second letter included additional amounts charged for interest and/or other collection charges.

12. In the Defendant’s letters to the Plaintiff, the Defendant neglected to state that the Alleged Debts were accruing interest, and the letters did not include a listing of interest charges.

13. Defendant employed misleading means to collect a debt.

14. Said action by the Defendant is a violation of the provisions of 15 USC Sec. 1692e which prohibits the use of any “false, deceptive, or misleading representation or means in connection with the collection of any debt.”

15. Said failure on the part of Defendant is also violation of the FDCPA, including 15 USC § 1692e(10) and 15 US § 1692f(1).

16. As a result of the Defendant’s deceptive, misleading and/or unfair debt collection practices, the Plaintiff has been damaged.

**FIRST CAUSE OF ACTION**  
**(Violations of the FDCPA)**

17. Plaintiff repeats, reiterates and incorporates the allegations contained in paragraphs numbered “1” through “16” herein with the same force and effect as if the same were set forth at length herein.

18. Defendant’s debt collection efforts attempted and/or directed towards the Plaintiff violate various provisions of the FDCPA, including but not limited to 15 USC §1692e(10) and 1692f(1).

19. As a result of the Defendant’s violations of the FDCPA, the Plaintiff has been damaged and is entitled to damages in accordance with the FDCPA.

**DEMAND FOR TRIAL BY JURY**

20. Plaintiff demands and hereby respectfully requests a trial by jury for all claims and issues in this Complaint to which the Plaintiff is or may be entitled to a jury trial.

**PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff Gavriel Jerusalem demands judgment from the Defendant United Recovery Systems, LP as follows:

- A. For actual damages provided and pursuant to 15 USC Sec. 1692k(a)(1);
  - B. For statutory damages provided and pursuant to 15 USC Sec. 1692k(a)(2)(A);
  - C. For attorneys' fees and costs provided and pursuant to 15 USC Sec. 1692k(a)(3);
  - D. For a declaration that the Defendant's practices violated the provisions of the FDCPA;
- and,
- E. For any such other and further relief, as well as further costs, expenses and disbursements of this action, as this Court may deem just and proper.

Dated: New York, New York  
January 11, 2012

Respectfully submitted,

By: 

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